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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/16/2001

Richard M. Bentley

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EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

NOTIFICATION DATE

DELIVERY MODE

05/30/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/977,303	Applicant(s) BENTLEY, RICHARD M.	
	Examiner JUDE J. JEAN GILLES	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the reply filed on 02/28/2008.

Response to Amendment

1. This action is responsive to the application filed on 02/28/2008. Claims 1, and 12 were amended. Claims 1-26 are pending. There are no newly added claims. Claims 1-426 represent a method and apparatus for an "METHODS AND APPARATUS FOR GENERATING A USER INTEREST PROFILE BY MONITORING ELECTRONIC MESSAGESAutomated Creation of Application Paths in Storage Area Networks."

Response to Arguments

2. Applicant's arguments with respect to claims 1, and 12 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method selecting those e-mail messages satisfying at least one condition from the conditional group of the message having an attachment, the message being a forward message and the message including a URL as indicators that individual ones of the e-mail messages are likely to include information relevant to the user's interests) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the Previous Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, and 12 recite the limitation " the conditional group" in lines 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul, Patent. No. 5,999,932 A, in view of Gouge, US 20020116263 A1.

Regarding **claim 1**, Paul discloses a method for generating or extending a user interest profile, comprising:

monitoring e-mail messages directed to the user (*column 2, lines 2-16*);

selecting those e-mail messages satisfying at least one predetermined condition indicating that they are likely to include information relevant to the user's interests (*column 2, lines 2-16; column 4, lines 12-24 information relevant to the user is contained in the inclusion list*); and

extracting profile data from the selected messages (*column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

wherein, for each selected message, the selected message is selected and the extracted profile data is extracted before the user reads the selected message (*see fig. 4, and 4A; the message is selected, data is processed accordingly in the inclusion list prior to being displayed to the user; column 8, lines 17-34*).

Although Paul teaches in the invention substance, Paul fails to specifically teach "selecting those e-mail messages satisfying at least one condition from the conditional group of the message having an attachment, the message being a forward message and the message including a URL as indicators that individual ones of the e-mail messages are likely to include information relevant to the user's interests". Nonetheless this feature is wellknown in the art as evidenced by Gouge, in light of the primary teachings of Paul.

In the same field of endeavor, Gouge discloses a data processing center with means for a user created forwarding e-mail containing an attachment having first and second data representing email address/URL indicators of the nature of the message content (see Gouge; abstract, see also par. 0185, 0187-0188). This approach is important in an attempt to select and obtain user profile data from forwarding w-mails.

Accordingly, it would have been obvious for an ordinary skill in the art to incorporate the features taught by Gouge with the teachings of Paul for the purpose of allowing a system to retrieving user data profile to advertise a product, service or website in which a the user might be interested as stated by Gouge, par. 0042-0046. By this rationale, claim 1 is rejected.

Regarding claims 2-26 the combination Paul-Gouge teaches:

Regarding **claim 2**, Paul discloses a method according to claim 1, further comprising storing the extracted profile data (Paul; fig. 3, item 302).

Regarding **claim 3**, Paul-Gouge discloses a method according to claim 2, further comprising displaying the extracted profile data to the user and storing only those data indicated by the user (Paul; fig. 4, item 415; column 9, lines 8-19).

Regarding **claim 4**, Paul-Gouge discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message having an attachment. Inherently, the predetermined data fields of the email messages are able to contain an attachments (Paul; see column 1, lines 9-17).

Regarding **claim 5**, Paul-Gouge discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message being a forwarded message (Paul; column 5, lines 20-62; column 6, lines 1-29).

Regarding **claim 6**, Paul-Gouge discloses a method according to claim 5, wherein said extracting further comprises operating on words added by a forwarder of the forwarded message (Paul; column 2, lines 2-16; column 4, lines 12-24).

Regarding **claim 7**, Paul-Gouge discloses a method according to claim 1, wherein the at least one predetermined condition is constituted by the message including a URL. Using a URL as a precondition in the context of the invention is inherent. The inclusion data list described in the abstract portion of the specification is inherently capable of handling URLs as a precondition for e-mail matching and filtering.

Regarding **claim 8**, Paul-Gouge discloses a method according to claim 1, wherein the profile data comprise one or more keywords or phrases (Paul; column 3, lines 6-19).

Regarding **claim 9**, Paul-Gouge discloses a method according to claim 1, wherein said extracting further comprises operating on data contained within a subject line of the message (Paul; column 3, lines 6-19).

Regarding **claim 10**, Paul-Gouge discloses a method according to claim 1, wherein said extracting further comprises operating on an attachment to the message. Inherently, the predetermined data fields of the email messages are able to contain an attachments (Paul; see column 1, lines 9-17).

Regarding **claim 11**, Paul-Gouge discloses a method according to claim 1, further comprising using the extracted data to search an information repository for matching items (Paul; column 4, lines 2-25).

Regarding **claim 12**, Paul-Gouge discloses an apparatus for generating or extending a user interest profile, the method comprising:

means for monitoring electronic messages directed to the user (Paul; *column 2, lines 2-16*);

means for selecting those electronic messages satisfying at least one ~~predetermined condition indicating~~ (Paul; *column 2, lines 2-16; column 4, lines 12-24*) one condition from the conditional group of the message having an attachment, the message being a forward message and the message including a URL as indicators that individual ones of the e-mail are likely to include information relevant to the user's interests(see Gouge; abstract, see also par. 0185, 0187-0188) ; and

means for extracting profile data from the selected messages (Paul; *column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*).

Regarding **claim 13**, Paul-Gouge discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message having an attachment. Inherently, the predetermined data fields of the email messages are able to contain an attachments (Paul; see column 1, lines 9-17).

Regarding **claim 14**, Paul-Gouge discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message being a forwarded message (Paul; column 5, lines 20-62; column 6, lines 1-29).

Regarding **claim 15**, Paul-Gouge discloses an apparatus according to claim 14, wherein said extracting means operates on words added by a forwarder of the forwarded message (Paul; column 2, lines 2-16; column 4, lines 12-24).

Regarding **claim 16**, Paul-Gouge discloses an apparatus according to claim 12, wherein the at least one predetermined condition is constituted by the message including a URL. Using a URL as a precondition in the context of the invention is inherent. The inclusion data list described in the abstract portion of the specification is inherently capable of handling URLs as a precondition for e-mail matching and filtering.

Regarding **claim 17**, Paul-Gouge discloses an apparatus according to claim 12, wherein the profile data comprise one or more keywords or phrases (Paul; column 3, lines 6-19).

Regarding **claim 18**, Paul-Gouge discloses an apparatus according to claim 12, wherein said extracting means operates on one of data contained within a subject line of the message and an attachment to the message (Paul; column 3, lines 6-19; Inherently, the predetermined data fields of the email messages are able to contain an attachments (Paul; see column 1, lines 9-17).

Regarding **claim 19**, Paul-Gouge discloses an apparatus according to claim 12, further comprising: a display for displaying the extracted profile data to the user; and a memory for storing only those data indicated by the user (Paul; figs. 1-2; fig. 4).

Regarding **claim 20**, Paul-Gouge discloses an apparatus according to claim 12, further comprising means for using the extracted data to search an information repository for matching items (Paul; column 4, lines 2-25).

Regarding **claim 21**, Paul-Gouge discloses the method of claim 1, wherein the e-mail messages are incoming e-mail messages (Paul; *column 2, lines 2-16*);

Regarding **claim 22**, Paul-Gouge discloses the apparatus of claim 12, wherein the e-mail messages are incoming e-mail messages (Paul; *column 2, lines 2-16*);

Regarding **claim 23**, Paul-Gouge discloses the method of claim 1, further comprising using the extracted profile data to create or modify the user profile (Paul; *column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

Regarding **claim 24**, Paul-Gouge discloses the apparatus of claim 12, further comprising means for using the extracted profile data to create or modify the user profile (Paul; *column 2, lines 2-16; column 4, lines 12-24; the profile data is data contained in the inclusion list, data that is of interest to the user*);

Regarding **claim 25**, Paul-Gouge discloses the method of claim 1, further comprising:
searching a data repository using the extracted profile data; and
displaying the results of the search when the user reads the selected message (Paul; fig. 4, items 404, 415; column 9, lines 8-19).

Regarding **claim 26**, Paul-Gouge discloses the apparatus of claim 12, further comprising:

means for searching a data repository using the extracted profile data; and
means for displaying the results of the search when the user reads the selected message (Paul; fig. 4, items 404, 415; column 9, lines 8-19).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

Art Unit: 2154

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2143

JJG

May 25, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154